

**Regular Meeting of the Legal Committee
Held in the Conference Room at City Hall
February 25, 2016**

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 15-56.

ROLL CALL

The meeting convened at 3:14 p.m. with Councilor Henderson presiding and Councilor Denny present; Councilor Mackey participated by telephone and Councilor Perry was absent.

Staff present: Louis Najar, Scott Stark, and William Zarr.

Guests present: David Gonzalez.

APPROVAL OF AGENDA and APPROVAL OF MINUTES

Councilor Denny moved to approve the February 26, 2016 Legal Committee meeting agenda and the minutes of the February 3, 2016 Legal Committee meeting. City Attorney William Zarr requested that items be taken out-of-order and be heard as follows: 4 – RIAC Leases, 2 – Proposed Ordinance 16-06, 1 – Proposed Ordinance 16-05 and 3 – Proposed Ordinance 16-07. Councilor Mackey was the second. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone and Councilor Perry being absent.

NON-ACTION ITEMS

None

REGULAR ITEMS

To recommend to full City Council the following agreements pertaining to existing or new RIAC leases or other RIAC licenses or agreements be placed on Consent Agenda for approval:

- (1) To authorize Zachary Canright and Jared Putman, as individuals, to renew their current lease agreement on "T" Hangar Building No. 120, Space 3.
- (2) To authorize Thurston Woods, an individual, to renew his current lease agreement on a portion of Building No. 1776.
- (3) To authorize Zen Sportz, Inc., a New Mexico Corporation, to renew their current lease agreement on office space in Building No. 1, the Terminal.
- (4) Birdman Air Enterprise, Inc., a New Mexico Corporation, to amend their current lease agreement to add an additional 6,250 square feet to their leasehold in Building No. 1770.

Councilor Denny motioned to recommend to full City Council the following RIAC agreements be placed on the Consent Agenda for approval (1) Zachary Canright and Jared Putman; (2) Thurston Woods; (3) Zen Sportz, Inc.; and (4) Birdman Air Enterprise, Inc. Councilor Mackey was the second. Mr. Stark discussed each of the agreements and stated that the Zachary Canright and Jared Putman lease was a renewal, in the amount of \$173 per month for one year; the Thurston Woods lease was a renewal, in the amount of \$167 per month for one year; the Zen Sportz, Inc.

lease was a renewal, in the amount of \$103 per month for one year; the Birdman Air Enterprise, Inc. addendum was adding additional square footage, and an additional \$325 per month for a total new rental amount of \$1,297.73. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone and Councilor Perry being absent.

To consider Proposed Ordinance 16-06, which would renew the existing cable television franchise with Cable One with a new ordinance substantially similar to the existing cable franchise, and to recommend to full City Council to authorize a public hearing on said Proposed Ordinance 16-06. Councilor Denny motioned to consider Proposed Ordinance 16-06 and recommend a public hearing. Councilor Mackey was the second. Mr. Zarr introduced the proposed ordinance, stating that Cable One's agreement had already expired, but both sides had continued to honor the agreement. The new agreement will be very similar to Ordinance 04-04 with a few changes. Mr. Zarr outlined the proposed changes to the committee, as well as other terms/provisions of the agreement. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone and Councilor Perry being absent.

To consider certain amendments to Proposed Ordinance 16-05, that would place certain limitations on drilling of new domestic wells within the City limits, and to recommend said amendments to full City Council on said Proposed Ordinance 16-05. Councilor Denny motioned to approve certain amendments placing limitations of new domestic wells in the City limits and to send to full City Council. Councilor Mackey was the second. Mr. Zarr discussed the proposed amendments to Proposed Ordinance 16-05. Committee members agreed to return to this item. The committee moved on to Item 3.

FOR THE RECORD: Councilor Perry joined the meeting at 3:58 p.m.

To consider Proposed Ordinance 16-07, which would amend various sections of Ordinance 13-09, pertaining to the convention center financing and fees imposed under said ordinance, and to recommend to full City Council to authorize a public hearing on said Proposed Ordinance 16-07. Councilor Denny motioned to consider Proposed Ordinance 16-07 which would amend various sections of Ordinance 13-09 and to recommend to full Council to authorize a public hearing. Councilor Mackey was the second. Mr. Zarr went over the proposed changes stating that in 2013, the City adopted an Ordinance that imposed a convention center fee of \$2.50 per night as a "bed tax" in addition to the Lodgers Tax. The authorization came from State Statute 5-13-1 which allows imposition of fees to fund convention centers, not to exceed \$2.50 per night. In Section 4, the wording "shall is set at" will be reworded. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone. Councilor Henderson turned the meeting over to Committee Chair, Councilor Perry, at 4:02 p.m. Members of the committee returned to Item 1 – Proposed Ordinance 16-05.

To consider certain amendments to Proposed Ordinance 16-05, that would place certain limitations on drilling of new domestic wells within the City limits, and to recommend said amendments to full City Council on said Proposed Ordinance 16-05. Mr. Zarr stated the proposed amendments are to clarify and improve the wording of the ordinance. Section 26-6 requirements

for hook-up and exemptions were reviewed, as well as the usage of Domestic Use Permits. If the City Engineer denies authorization, the applicant can request an informal hearing. Mr. Zarr went over replacement well provisions and restrictions, and not wanting wells to be in contaminated areas. "Domestic Irrigation" will be a new subsection "p". Mr. Najjar explained that this irrigation is pertaining to larger lots and recreational agricultural usage. There was discussion on the issue of whether these changes needed to be published or could they be presented separately to the Council at the City Council meeting. Councilor Perry preferred to get a consensus vote now, not an actual vote. All committee members consented.

OTHER BUSINESS (NON-ACTION)

None

ADJOURN

Meeting adjourned at 4:29 p.m.